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RESIST

*a call to resist
illegitimate authority*

6 April 1969 - 763 Massachusetts Avenue, #4, Cambridge, Mass. - Newsletter #25

A SMALL STEP IN THE RIGHT DIRECTION

On March 31 Chief Judge Charles Wyzanski, Jr. of the U. S. District Court of Massachusetts ruled that part of the 1967 Selective Service Act is unconstitutional and asked that the Government seek a Supreme Court judgement. Initially, many of those in Boston who had worked on draft cases during the past months were jubilant: John Sisson, whose motion for an arrest of judgement Wyzanski was granting; John Flym, his lawyer and head of the Boston Selective Service Lawyers Panel; the Committee for Legal Research on the Draft, who had helped to prepare the briefs; and Boston Support, which had, with Sisson and other inditees, been explaining the issues and organizing support for inditees in their home towns. Later, however, closer examination of Wyzanski's decision led some to decide it was a sham.

Radicals are often so caught up in their particular mode of struggle that no gains except their own have any meaning for their 'revolution'. Liberals, on the other hand, eagerly accept any little sign - "secret talks" in Paris, for example - as proof that things are not really so bad after all. The Wyzanski opinion says something to each group; it also contains a lesson for each.

What did Wyzanski say? That it seems unconstitutional to exempt pacifists but to draft or jail selective conscientious objectors, and that 'religious' men should not receive benefits not accorded to moral atheists and agnostics. This is an important and valuable statement: It raises the vital issue of selective conscientious objection. It also dramatically reawakened general anti-draft sympathies. All three Boston papers carried the story with front-page headlines, as did the New York Times. The Boston Globe reprinted much of the text of the decision together with a supportive editorial, and published a second, long, front-page story about the draft the next day. The item was carried on all national TV news programs and was even given a Today Show "news analysis". All that was useful.

What else did Wyzanski say? He said that "dissent is possible only in a society strong enough to repel attack", that his decision did not mean that the war was illegal or that peace time conscription was illegal (and that, in fact, they were probably both legal), that war time conscription was certainly legal, that selective conscientious objectors should still be available for non-combatant military service (anything that doesn't actually require pulling a trigger), and that during a conflict involving major U. S. interests, a declared war, or an invasion, no exemptions should be retained. Wyzanski further stated that primary factors

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CANADIAN WELCOME RESCINDED?

From June 1967 to June 1968, there were at least 50,000 deserters from the U.S. Army. Well over 500 of them are in Canada. (These statistics, for obvious reasons, are rather indefinite.)

Canada, formerly a haven for draft resisters and deserters, seems to have had a change of heart as well as a change of administration. Official Canadian immigration policy states that "... any individual's status with regard to compulsory military service in his own country has no bearing on his admissibility to Canada, either as an immigrant or as a visitor." BUT an obscure memo issued by the Immigration Department in July of '68 stated that border guards "... should consider whether applicants on an active basis are serving in the armed services of their country."

To fully appreciate the implications of the July '68 directive, let's look at the case of 5 Canadian students who, disguised as American deserters, applied at five different border points for landed immigrant status.* Of the 5 four were denied entrance and one gave up as rejection seemed imminent. Bob Waller and Graham Muir, two of the Canadians, were ordered to report to American border authorities where they would have been arrested as deserters.

Clearly, then, the July directive is an outright attempt to prevent American deserters from entering Canada. It does not, however, seem specifically aimed at barring admission to draft resisters who with the proper credentials, i.e., job offers and recommendations from Canadian citizens, have less difficulty entering Canada. Theoretically, it is against regulations to ask about draft status. Yet curiously enough, although Canadian public opinion toward admitting draft resisters and deserters is not overwhelmingly hostile (This is especially true in Quebec, which is traditionally anti-military.), there is an unmistakable trend away from support of deserters. At the present time, the only really accessible border points are located in Quebec: the Montreal Airport or from inside the country with some proof of respectability, after entering as a visitor. Ontario and British Columbia are closed to both resisters and deserters.

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*It should be mentioned here that although a deserter or resister can enter Canada as a visitor, it is impossible for him to obtain a work permit unless he has "landed immigrant" status which also makes him eligible to become a Canadian citizen.

CANADIAN WELCOME RESCINDED? *cont'd.* . .

It is expected that a new statement regarding immigration policy will be released by the government on April 13. This statement may well deal the final death blow to the American deserter while still allowing the resister to enter the country.

A SMALL STEP *cont'd.* . .

in determining that Sisson qualified as a selective conscientious objector were John's courage, the non-political nature of some of his claims, his diffidence, his education (Exeter and Harvard), and the fact that he "fearlessly used his own words, not mouthing formulae from court cases or manuals for draft avoidance".

Wyzanski was right, at least, about John's courage, for which the judge's decision was no match. John had refused to apply for a deferment as either a conscientious objector or a student, and had insisted that his defense raise only those issues pertaining to the illegality and immorality of the war. On the witness stand he refused to follow Wyzanski's suggestive line of questioning; he reiterated that he was not a conscientious objector, that his objections were not religious, and that he would accept no exemption obtained as a result of his education or the eloquence of his arguments. His witnesses were Howard Zinn and Richard Falk, and they spoke not of religious history but of the horrors of Vietnam.

Both radicals and liberals can find sources of encouragement in Judge Wyzanski's decision, but each could also learn from the other's reaction to it. The radicals would do well to remember, in '69, the resisters they supported in '67, noticing that at least some small gains can be made through the courts resisters must now face and that an action can be helpful even if it simply offers a platform and some respectability to a man who is questioning the legitimacy of his government's policies. And liberals should realize just how small a concession the Wyzanski decision is, how dangerous a mixture of class distinctions and government paternalism it contains, that it is not binding upon other courts and might not be considered by the Supreme Court, and that perhaps dissent is, in fact, possible only in inverse proportion to its effectiveness.

—Mike Zigmond

OAKLAND SEVEN ACQUITTED

The Oakland Seven were acquitted on March 28 of charges of conspiracy to commit two misdemeanors, trespassing and interfering with a police officer. The conspiracy allegedly occurred in connection with Stop the Draft Week demonstrations in Oakland in October, 1967. Although the case is very important to the anti-war movement, the trial and acquittal were almost totally ignored by the national press. The next issue of the RESIST Newsletter will contain a full report on this case and its impact on the Movement.

VALUABLE MOVEMENT PUBLICATIONS

HARD TIMES

Newsletter subscribers will soon receive a mailing from Hard Times (edited by Andrew Kopkind, Robert Sherrill, and Ralph Nadar). Formerly called Mayday, it is a weekly in the tradition of I. F. Stone and contains exposés of Washington, news of the draft situation, and general Movement news. The subscription rate is \$10.00 a year, students \$6.00. The address is: Hard Times, 80 Irving Place, New York, N.Y. 10003.

THE CCCO HANDBOOK

The Central Committee for Conscientious Objectors publishes this handbook (edited by Arlo Tatum) as a source of information relevant to the Selective Service System. It contains rules, procedures, information on civilian work, military and civilian prisons, etc. CCCO News Notes is published regularly to up-date the information in the Handbook. The Handbook costs \$1.00; the News Notes are free. Both can be obtained from: Central Committee for Conscientious Objectors, 2016 Walnut Street, Philadelphia, Pa. 19103 or 514 Mission Street, San Francisco, California 94105.

PITTSBURGH DRAFT RESISTANCE

The Pittsburgh Draft Resistance is a good model of a Resistance publication. It can be ordered in bulk and could be inserted into college papers, high school papers, or into other Movement publications. For further information, contact: Pittsburgh Draft Resistance, 5899 Ellsworth Ave., Pittsburgh, Pa. 15232.

FREE THE PRESIDIO 27!

On March 28, 1969, at Fort Lewis, Washington, Edward Yost, William Hayes, Ricky Dodd, and Harold Swanson were found guilty of mutiny and sentenced to prison terms of from 9 months to 6 years. Nesrey Sood's sentence has been reduced from 15 to 2 years but 14 of the 27 go on trial at Fort Ord on April 7, still charged with mutiny. Recent nationwide demonstrations were at least partially responsible for the reduction in Sood's sentence and for reported pressure by Army Secretary Resor on the Sixth Army to charge the men with lesser offenses. Congress has been alerted: the Presidio situation was discussed on the floor of the House on March 18, and Senators Goodell (N.Y.) and Cranston (Calif.) are working for an investigation of Richard Bunch's murder and of military courts and prisons. The National Committee to Free the Presidio 27 reports that carefully reasoned, well-written letters to senators and congressmen carry great weight and would be very helpful to those in Congress who support such investigations. Also, Congress could, if it chose to, exert considerable pressure on the Army to free the 27 and to correct the present situation in military prisons. Demonstrations of public support of the 27, letters to public officials, leaflets and speeches persuading even more people to demand the release of the 27 are all very important.

The Presidio 27 must be freed. Charges against all of them must be dropped; all must receive honorable discharges from the Army. Military prisons (and the military itself) must be transformed into places where a soldier's rights as an American citizen are recognized and observed. We cannot be content with any partial rectification of the situation: Reduction of charges or sentences, when a man is falsely accused, is a mockery of justice. The Presidio 27 must have real justice. They have waited too long already!

POETS CELEBRATE RESISTANCE

Twenty-four poets are volunteering to appear in a series of national poetry readings to raise money for RESIST's funding of new organizing projects and for the support of local Resistance Groups. Many of the poets who will be reading have been, for some time, members of the anti-war movement. Robert Bly, who organized a similar series of readings two years ago, also donated his \$1000 National Book Award (1968) to The Resistance. Denise Levertov has edited a collection of anti-war poems and has frequently read in benefits for draft resisters. Allen Ginsberg was a participant in the demonstrations during the Democratic National Convention in Chicago last August.

The Poets Tour also includes: Dan Berrigan, Ted Berrigan, Henry Braun, Robert Creeley, Robert Duncan, Clayton Eshlemon, Lawrence Ferlinghetti, Barbara Gibson, Morgan Gibson, David Ignatow, Galway Kinnell, Lou Lipsitz, W.S. Merwin, Kenneth Rexroth, Adrienne Rich, Muriel Rukeyser, Ed Sanders, Louis Simpson, Gary Snyder, William Stafford, George Starbuck, Diane Wakowski. The number of poets who have agreed to participate indicates the massive support on the part of America's best writers for the peace movement and especially for young men refusing to participate in the Vietnam War.

These are the dates, cities and coordinators: (The coordinators will soon know which poets will be appearing in their city. Several coordinators have scheduled folk singers on these dates, too.)

April 23 Portland: Bob Wollhein, The Resistance, 215 Southeast 9th, Portland 97214 (503-232-5946)

April 24 Santa Barbara: Paul Poduska, The New Free University, P.O. Box A 11303, Univ. of Calif., Santa Barbara 93107 (805-961-2393)

April 25 Iowa City: George Starbuck, Univ. of Iowa- EPB, Iowa City 52240 (319-338-9934)

April 26 Minneapolis: Pat Goldman and Sharon Bigot, Minnesota Resist, 1050- 15th Ave. SE,
Minneapolis 55414 (612-331-9995 or 336-3457)

April 27 Chicago: Marcia Rothenberg, 512 S. Dorchester, Chicago 60637 (312-684-7938)

April 28 Boulder: David Bolduc, (303-623-9065 or 892-0907)

April 29 Detroit: Father Robert Morrison, St. Joseph's Episcopal Church, 31 King St., Detroit 48202 (TR 1-4750 or 874-4334)

April 30 Pittsburgh: Dave Worstell, 5718 Woodmont, Pittsburgh 15217 (421-5520)

May 1 Philadelphia: Lisa Schiller, The Resistance, 2006 Walnut, Phila. 19103 (561-5082)

May 3 Milwaukee: Dick Zipfel, Milwaukee 14, 2119 W. Vliet, Milwaukee 53205 (414-933-3228)

[illegible]

MILWAUKEE FOURTEEN NEWS

All attempts by the Milwaukee Fourteen to have their federal trial held before the state trial have failed. The government's refusal to do anything about a federal trial may be due to Nixon's slowness in choosing a U.S. attorney for Wisconsin. Or it could be an attempt to deny the Fourteen a forum for discussion of the issues raised by the federal charge of conspiracy to obstruct the Selective Service.

Although they first considered non-cooperation as a response to the state charges of burglary, arson, and theft, the Fourteen have now decided to use tactics such as a discussion of the question of intent, a claim of indigency in order to provoke a discussion of life style, and the use of lay advocacy (i.e., the defendants will conduct part of their defense).

As in Catonsville last fall, the testimony of real significance will be given in a paratrial held at night during the week of the state trial. A position paper will be widely distributed in Milwaukee before the trial, and people are encouraged to come to Milwaukee to show their support of the Fourteen and to join them in the trial-related street actions.

FUNDING REQUESTS GRANTED

At its March meeting the RESIST Steering Committee made the following grants:

Draft Resistance (Seattle): expenses related to setting up a new office (needed because of eviction from the previous one).

The Resistance (Denver): to set up a new office.

Arkansas Peace Information Center (Little Rock, Arkansas): to help them to get through difficult times.

Young Patriots (Chicago): *community organizing.*

Detroit Collective, National Organizing Committee: *for working class organizing.*

Philadelphia High School Project: to set up
a storefront high school center.

Hartford (Connecticut) Draft Action Group:
for general expenses.

"Time's Up" (high school paper in Cambridge, Massachusetts): *for printing expenses.*

American Deserters' Committee (Montreal): for general expenses related to work with deserters.

S.D.S.: emergency expenses.

ACROSS THE NATION

Boston: BDRG Work Crew's new number is 868-0881.

Boston: Jim Hayes was arrested on March 28 for harboring a deserter. The information that led to his arrest came from the deserter he had assisted who has returned from Canada. Supposedly Attorney General Ramsey Clark had access to this information, but it was the new Attorney General, James Mitchell, who found it necessary to take action upon the case.

Hanover, New Hampshire: Kendrick Putnam, co-chairman of the Selective Service Committee of the New Hampshire Civil Liberties Union, would like to see high schools assume the duty of providing a variety of information on the selective service system to students. And by persisting for about a year he has succeeded in sedate Hanover. He was given the opportunity to explain the draft law provisions for dissenters to 2 dozen interested students using the same facilities provided to military recruiters at the school.

Minnesota: Twin Cities Draft Information Center has organized a high school resistance service of non-cooperation. On March 5, 250 people attended a service at the First Universalist Church where 17 high school students signed a pledge of non-cooperation and 150 signed a complicity statement. The Information Center has also moved into community organizing and initiated a class on the draft and militarism which was part of the Adult Education Program at Bryant Jr. High until cancelled by school officials. Now, members of the draft class will petition the school board to abolish the rules restricting political content of all activities conducted in school buildings.

Fort Jackson, South Carolina: Petitions calling for permission to hold open meetings to discuss issues of the war and GI rights have been circulated for awhile now by a group designated as "GI's United Against the War in Vietnam". Permission has not been granted, but an informal "gathering" on the post discussing the war did take place for a half hour. Of this group, nine men have been charged with breach of the peace and failure to obey an order or regulation.

St. Louis, Missouri: "Universities and churches have recently offered sanctuary to young men in the army. But every community has a responsibility to support and protect its own members. We, the undersigned students and faculty of Washington University, declare that the young men who study here must be free to remain here.... For their lives, for our own, and for the life of our university, we will support their refusal to go to war.... So reads "A Call For University Sanctuary" that is being circulated on Washington Univ. campus. Those who sign are expressing that they will stand firmly with those fellow students who decide to remain at the school to resist the grim alternatives of Vietnam, Canada, or prison.

RESIST High School Packet is now available from the RESIST office. Please include contribution to cover postage and reprinting costs with your request.

Bloomington, Illinois: The second annual National Draft Resistance Conference, held at a camp near Bloomington March 24-28, was attended by about 150 people representing draft resistance groups throughout the nation. (Many of the groups represented have been funded by RESIST.) Sponsored by CADRE (Chicago Area Draft Resistance), the conference consisted of workshops on subjects such as revolutionary non-violence, women's liberation, and communes. Speakers included Staughton Lynd, David Harris, and Bob Ross (National Director, New University Conference). In discussing plans for May 1st actions, many of those present favored actions modeled after NAG's April 3-6 activities, for which local groups planned actions relevant to their communities and coordinated only in that they occur at the same time across the country.

Washington, D.C.: Nine persons, including 5 priests and a nun, poured what they said was human blood on furniture and equipment and threw files out a fourth floor window at Dow Chemical on March 23 to protest Dow's refusal to "accept responsibility for...programmed destruction of human life." Amongst those awaiting a hearing on charges of second degree burglary and destroying property are: Rev. Thomas Melville and Rev. Arthur Melville, the brothers accused of aiding leftist groups in Guatemala, (Rev. Thomas Melville is also a member of the Catonville 9), and the Ohio Priests, Fathers Begin and Meyer who had led a protest Mass in Cleveland.

Washington, D.C.: Roger Priest who works in the Office of Navy Information at the Pentagon has proposed a "nonviolent and perfectly 'legal' way to register a protest and freak out the military dictatorship. He urges that GIs alter their personnel file by designating as a beneficiary in case of death some peace or resistance group. The procedure is simple. "The forms that you want to change are: Army DA-41, Air Force AF-246 and Navy/Marine Corps NAVPERS 601.2. These forms are maintained in your service record and go by the name of 'Record of Emergency Data.'" After Priest named the War Resisters League as his beneficiary, he was interrogated and threatened by Navy Intelligence. "They really take it kind of personal," says Priest.

ROTC INFO WANTED

FOR is compiling information on ROTC in colleges and high schools nationwide. The number of schools having ROTC is actually increasing, but so is the work against ROTC. In many schools ROTC has been reduced from compulsory to voluntary; some schools recently have removed academic credit for ROTC.

FOR needs information on your area! What high schools or colleges in your area have ROTC? Is it compulsory or voluntary? How many students are enrolled? Is academic credit given for ROTC? What has been done to oppose ROTC? Whom can we contact for further information? Please send this important information as soon as possible, attention: Ron Young, Fellowship of Reconciliation, Box 271, Nyack, New York.

